

REMARKS

The Examiner has rejected claim 4 under section 101 for double patenting, claims 1-3, 5-6 under judicially created doctrine of double patenting over US patent 6,393,010. Furthermore, Examiner has rejected claims 1, 2, 4-6 under section 102(e) as being unpatentable over Hudson (US 5,974,315). The Examiner notes that “ summing ...” is anticipated by Hudson based on “average power consisting of high margin and standard margin control signal” while citing col. 21, lines 10-16. Applicants would like to point out that Hudson is concerned with increasing power on the paging channel when the user equipment is in a situation that is receiving attenuated paging signal. Hudson suggests that while increasing the paging channel power, the power for other portions may be reduced to effectively maintain a constant average power over a time frame. This does not mean that summing the plurality of communication signals in accordance with the plurality of time offsets.

Applicants have cancelled all claims without prejudice and substituted claims 7 and 8 for examination and allowance. Applicants believe the new claims 7 and 8 are patentable over Hudson. With regard to the double patenting rejection, Applicants will reconsider such a rejection if the Examiner deems such a rejection is appropriate with respect to the substituted claims 7 and 8.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: S. H. Beladi
S. Hossain Beladi, Reg. No. 42,311
(858) 651-4470

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502